SUPREME COURT OF THE UNITED STATES.

No. 221.

THE UNITED STATES, APP'TS,

vs.

YSIDRO MARIA ALVARADO.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

"Monserrate."

INDEX.

	Original.	Print.
Proceedings of board of commissioners	1	1
Petition	5	2
Deposition of M. Castro	6	2
" J. J. Warner	7	3
Exhibit	9	4
Map	13	5
Translation	14	5
Opinion	18	8
Decree	19	8
Certificate	21	9
Appeal	22	9
Petition for review	26	10
Summons and answer	28	10
Decree	32	12
Appeal	34	12
Clerk's certificate	36	13

1 *Transcript of the proceedings in case No.* 625.

YSIDRO MARIA ALVARADO, claimant,
vs.
THE UNITED STATES, defendant,
} For the place named "Monserrate."

2

3 OFFICE OF THE BOARD OF COMMISSIONERS TO ASCERTAIN AND SETTLE THE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

Be it remembered, that on this twenty-fourth day of February, anno Domini one thousand eight hundred and fifty-three, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Ysidro Maria Alvarado for the place named "Monserrate," was presented and ordered to be filed and docketed with No. 625, and is as follows, to wit:

(*Vide* page 3 of this transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

SAN FRANCISCO, *August* 24, 1853.

In case No. 625, Ysidro Ma. Alvarado, for the place named "Monserrate," the deposition of Manuel Castro, a witness in behalf of the claimant, taken before Commissioner R. Aug. Thompson, with document marked R. T. annexed thereto, was filed.

(*Vide* page 4 of this transcript.)

SAN FRANCISCO, *August* 26, 1853.

In the same case, the deposition of J. J. Warner, a witness in behalf of claimant, taken before Commissioner Thompson Campbell, was filed.

(*Vide* page 5 of this transcript.)

4 SAN FRANCISCO, *May* 2*d*, 1854.

Case No. 625, on motion of the counsel for the claimant, was ordered to be placed at the foot of the calendar of the 1st class cases on the trial docket.

SAN FRANCISCO, *November* 14, 1854.

In the same case, Commissioner Alpheus Felch delivered the opinion of the board rejecting the claim.

(*Vide* page 15 of this transcript.)

And the following order was made, to wit.

(*Vide* page 17 of this transcript.)

5 *Petition.*

To the U. S. board of land commission for the ascertaining and settling of private land claims in California:

The petition of Ysidro Maria Alvarado respectfully showeth unto your honorable board, that on the 17th of March, 1845, he made and presented his petition in writing to Pico, then governor of California, soliciting for himself the grant of a tract of land, hereafter described, and that such petition was referred by said governor to the administrator of the mission of San Luis Rey and to the alcalde of San Diego, in order to obtain their report on the subject.

That their report being given in favor of your petitioner on the 23d of May, 1845, and 26th of March, 1845, said governor, by a decree dated the 4th of May, 1846, declared your petitioner the lawful owner of said land, and issued a formal grant to him on the same day of that year.

That a certified copy of said original grant and map are in the archives of California now in the hands of the U. S. surveyor general for California, and that the original documents containing the petition, references, reports, decree, &c., together with the original grant and map, and translations to all of them, are herewith submitted to your honors' inspection, and prayed to be made part of this petition.

And your petitioner further states that the land so granted to him is situate in the county of San Diego, near the mission San Luis Rey; is known by the name of "Monserrate," and described as fol-
6 lows: on the north by the place called Portrero; on the east by the road of Pala; on the south by the Sierra de Panurge, and on the west by the rancho de San Juan; containing three square leagues, more or less.

And your petitioner further saith that he has been in the possession of said land from the time of obtaining his said grant, and is not aware of the existence of any title conflicting with or superior to his own.

He therefore claims to be the owner of said land, and prays that your hon. board will confirm and validate his claim and title thereto.

CLARK, TAYLOR & BEEKH,
Att'ys for Alvarado.

Filed in office Feb'y 24, 1853.
(Signed) GEO. FISHER, *Sec'y.*

Deposition of Manuel Castro.

OFFICE OF THE COMMISSIONERS OF LAND CLAIMS IN CALIFORNIA.

This day, before Commissioner Rob't A. Thompson, came Manuel Castro, a witness in behalf of claimant, Ysidro Ma. Alvarado, who, after being duly sworn, deposed as follows:

Present: J. Clarke, esq., att'y for claimant, and R. Greenhow, esq., ass't law agent.

Questions by claimants's att'y. What is your name, age, and place of residence?

7 Ans. My name is Manuel Castro; my age, thirty-one years; and my residence, Lower California.

Question by same. Take the document marked R. T., and filed in this case, and state what you know of the genuineness of the signatures of the same.

Answer. I know the signatures of Pio Pico, José Matias Moreno, José Joaq'n Ortëga, and José R. Arguello, having seen them all write; and I have no doubt their signatures on said document are genuine.

And further this deponent saith not.

MAN'L CASTRO.

Sworn to and subscribed before me this 24th day of August, 1853.

R. AUG'T THOMPSON, *Comm.*

Deposition of J. J. Warner.

OFFICE OF THE COMMISSIONER OF LAND CLAIMS IN CALIFORNIA,
San Francisco.

This day, before Commissioner Thompson Campbell, came J. J. Warner, a witness in behalf of claimant Ysidro Ma. Alvadro, case No. 625, who, after being duly sworn, testified as follows:

8 What is your name, age, and place of residence, and how long have you lived in California?

My name is J. J. Warner; age, forty-five. I live in San Diego, and have resided twenty-eight years in California.

Do you know the rancho called "Montserrate," claimed by Ysidro Ma. Alvarado? If so, state all you know as to its occupation and improvement by the claimant.

I do know it. It is in the county of San Diego, on the river of San Luis Rey. In 1845 I was on the rancho, and saw a number of cattle and horses—perhaps some three to five hundred head of cattle, and quite a number of breeding mares and gentle horses. He had an overseer there, and was occasionally there himself. A temporary house was built by him for himself and servants, similar to other ranch houses in California.

In 1847 the most of his cattle were driven off by the Indians in an insurrection which broke out about that time; since which time I'm not aware it was occupied.

J. J. WARNER.

Associate law agent present

Sworn to and subscribed before me this 26th day of August, A. D. 1853.

THOMPSON CAMPBELL, *Comm.*

Filed in office Aug. 26, 1853.

(Signed) GEO. FISHER, *Sec'y.*

9 *Exhibit.*

[SEAL.] Pio Pico, gobernador constitucional del departmento de Californias:

Por cuanto el ciudadano Ysidro Maria Alvarado ha pretendido para su beneficio personal y el de su familia el parage conocido con el nombre de Moncerrate en la demarcacion de SanLuis Rey: practicadas previamente las diligencias y averiguaciones que han sido necesarios, usando de las facultades con que me hallo autorizado por el supremo gobierno á nombre de la nacion Mejicana, he venido por decreto de este dia, en concederle el espresado terreno, declarandole la propiedad de el por las presentes letras, de conformidad con las leyes de 18 de Agosto de 1824 y reglamento de 21 de Noviembre de 1828, á reserva de la aprobacion de la ex'ma asamblea departamental y bajo las condiciones siguientes:

1o. Podra cercarlo sin prejudicar las travesias caminos y servidumbres, lo disfrutará libre y esclusivamente destinandolo al uso y cultivo que mas le conveniere.

2o. Solicitará del Juez respectivo le de la posesion juridica en virtud de este despacho por el cual se le demarcaran los linderos con sus mojoneras respectivos.

3o. El terreno de que se le hace donacion es puramente de tres sitios de ganado mayor y lindo al norte hasta el parage nombrado el Portrero al oriente con el camino de Pala, la sur con al Sierra de Panurge y al poniente con el rancho de San Juan segun lo demarca el diseño que obra en el espediente.

El juez que diere la posecion lo hará medir con arreglo á
10 ordenanza, previa citacion de colindantes.

En consecuencia mando que teniendose el presente titulo por firme y valedero, se tome razon de el en el libro á que corresponde, y se entregue al interesado para su resguardo y demas fines.

Dado en la ciudad de los Angeles en papel comun por falta de sellado, ó cuatro de mayo de mil ochocientos cuarenta y seis.

PIO PICO.
JOSÉ MATIAS MORENO,
S'rio Inte'o.

Queda tomada razon de este superior titulo en el libro respectivo.
MORENO.

Titulo de Don Ysidro Alvarado.

ANGELES, *Marzo* 18 *de* 1845.

Pase al administrador de la micion de San Luis Rey, a fin de que informe sobre el particular y al juzgado Sn. Diego pa. que el jues a quien lo que produsca el suyo con arreglo á las leyes, en la inteligencia que el interesado presentara el diseño cuando sea de

EX'MO SOR. GOBERNADOR: Ysidro Maria Alvarado, Mejicano por nacimiento y vecino de esta ciudad ante V. E. respetuos amente y en debida forma segun mas haya lugar en derecho me presento y digo que hallandose valdio, el terreno conocido con el nombre de Moncerrate perteneciente á la mis-

vuelta este solicitud; con lo que lo manda practicar.

PICO.

11

ion de San Luis Rey, solicito de la bondaba justicia de V. E. el que se sirva mandar que corridos los tramitos de estilo se me estienda el titulo respectivos ofreciendo presentar el deseño de d'ho parage lo mas pronto que me sea posible.

De esta favor que espresa Ex'mo Señor resultarà un gran benificio á mi familia y un adelante á los bienes que poser; no se hace perjuicio á ningun colindante, y por tanto, á. V. E. rendidamente pido y suplico que tomada en consideracion esta mi solicitud, se digne aceder á ella en los terminos que dijo indicados á cuya gracia quedará reconocido serviendose dispensarme el uso de papel comun por falta del Angeles y Mayo 17, de 1845, sellado que corresponde.

YSIDRO MARIA ALVARADO.

El parage conocido con el nombre de Moncerrate se halla cubierto con el numero corto de bienes caballar y vacuno pertenecientes á esta mision, y es el unico parage con que á la f'ha cuenta esta, mas como á la person a de V. E. és a quien toca resolver sobre la materia, V. E. dispondra lo que crea conveniente.

San Luis Rey á 23 de Mayo de 1845.

JOSÉ JOAQ'N ORTEGA.

EXMO SEÑOR: En atencion al superior decreto que antecede del exmo sor. gobernador del departamento debo decir que el parage conocido con el nombre de Monserrate perteneciente á la mision de San Lius Rey jamas havido ocupado conbienes de campo, y solo en sierto se haya enteramente valdio en cuanto tengo que informar en obsequio de la verdad y en cumplimiento de la superior disposicion de V. E.

San Diego, Marzo 26 de 1845.

JOSE R. ARGUELLO.

ANGELES, *Mayo* 4 *de* 1846.

Estiendose el titulo que asegure la propiedad del interesado.

PIO PICO.

Filed in office February 24, 1853.

GEO. FISHER, *Sec'y*.

(Here follows map, marked original, page 13.)

14 *Translation of exhibit, &c., annexed to deposition of Man'l Castro.*

{ Government of the department of California. }

Pio Pico, constitutional governor of the department of California:

Whereas citizen Ysidro Maria Alvarado haspetitioned, for his personal benefit and that of his family, the place known by the name of "Moncerrate," within the demarcation of San Luis Rey, all the necessary steps and investigations having been first had, exercising

the powers wherewith I am authorized by the supreme government, in the name of the Mexican nation, I have, by decree of this day, granted him the said lands, declaring to him the ownership thereof by these presents, in conformity with the law of 18th of August, 1824, and regulation of 21st of November, 1828, subject to the approval of the m't hon'ble departamental assembly, and under the following conditions:

1st. He may enclose them without detriment to the passages, roads, and easements, enjoy the same freely and exclusively, applying them to such use and cultivation as may best suit him.

2d. He shall solicit the proper magistrate to give him the juridical possession by virtue of this title, by whom the bounds shall be marked out with their respective landmarks.

3d. The tract of land of which donation is made to him is absolutely of three "sitios" de ganado mayor, and it is contiguous on the north as far as to the place called "El Potrero;" on the east to the road of "Pala," on the south to the "Sierra de Panurge;"
15 and on the west to the rancho of San Juan, as shown in the sketch attached to the espediente.

The magistrate who may give the possession shall cause the same to be measured according to ordinance, the adjoining land-owners to be first notified thereof.

Thereupon I order that, the present title being held firm and valid, registry thereof be made in the corresponding book, and afterwards the same be delivered to the party for his safety and other purposes.

Given in the city of Los Angeles, on common paper, for want of stamped paper, on the fourth day of May, 1846.

(S'g'd) PIO PICO.
(") JOSE MATIAS MONTEREY,
Sec'y ad int.

Registry of this title has been made in the proper book.
(Signed) MORENO.

MOST EXCELLENT GOVERNOR: I, Isidro Maria Alvarado, a Mexican by birth, residing in this city, before Y. E., respectfully, and in due form of law, appear and state, that as there lies uncultivated the tract of land known by the name of "Moncerrate," belonging to the mission of San Luis Rey, I hereby solicit Y. E. will be pleased to order that, after the regular course of proceedings being taken, a proper title be issued to me. I propose to present the sketch
16 of said place as soon as possible.

From this favor, which I hope to receive, m't excellent sir, great benefit will result to my family, and it will tend to increase the stock that I now have; no detriment then can be to any of the adjoining land-owners.

Therefore I beg and pray Y. E. will be pleased, taking into consideration this my application, to accede thereto upon the terms as above stated, whereby I shall be grateful, excusing the use of the common paper, for want of the proper stamped paper.

Angeles, March 17th, 1845.

(S'g'd) YSIDRO MARIA ALVARADO.

The following order was written on the margin of the above petition:

ANGELES, *March* 18*th*, 1845.

Let it be transmitted to the administration of the mission of San Luis Rey, that he may report on the subject, and to the court of justice of San Diego, in order that the judge as it may concern may give his report, according to law, under the understanding that the party shall produce a sketch upon return of this application, with the reports as herein ordered.

(S'g'd) PICO.

The place known by the name of "Moncerrate" is now covered with a small quantity of horses and cattle, stock belonging to this mission, and that is the only place which, at present, the mission has.

17 But as it is for Y. E. to determine regarding the premises, Y. E. will do so as Y. E. may deem it expedient.

San Luis Rey, March 23rd, 1845.

(Sig'd) JOSE JOAQ'N ORTEGA.

MOST EXCELLENT SIR: In pursuance to the foregoing superior order of yo. excellency the governor of the department, I have to say that the place known by the name of "Moncerrate," belonging to the mission of San Luis Rey, has never been occupied with stock, but only in certain time of some years a few sheep have been placed there as then these were in abundance. At present it is entirely unoccupied.

That is all that I can report in compliance with the superior order of Y. E.

San Diego, March 26, 1845.

(S'g'd) JOSE R. ARGUELLO.

ANGELES, *May* 4, 1846.

Let a title be issued, so as to assure the ownership to the party.

(S'g'd) PIO PICO.

I, George Fisher, secretary to the board of the U. S. land commission for ascertaining and settling the private land claims in the State of California, do hereby certify that the foregoing is a

18 true and correct translation of a Spanish document of the purport as above set forth, exhibited and filed in case No. 625, on the docket of the said board now in this office.

San Francisco, California, this 1st day of September, A. D. 1854.

GEO. FISHER, *Sec'y.*

Filed in office Sept. 1, 1854.

(Signed) GEO. FISHER, *Sec'y.*

Opinion.

YSIDRO MARIA ALVARADO } For the place called Moncerrate, in San
vs. } Diego county, containing three square
THE UNITED STATES. } leagues of land.

From the documentary evidence given in this case, it appears that the claimant petitioned for the land in March, 1845, and that a grant was issued to him by Governor Pio Pico, dated May 4th, 1846.

No segregation of the land granted by judicial measurement is proved; and no approval of the grant appears to have been given by the assembly. No cultivation of the premises is proved, and the testimony on the subject is too vague and indefinite to establish a residence by the claimant on the premises at any time. The slight connection which he has shown with the premises is not
19 sufficient to sustain his claim of an equitable title, especially when considered in connection with the early abandonment on the occurrence of some Indian difficulties of the place.

A decree adverse to the petitioner must be entered.

Rejected.

Filed in office Nov. 14th, 1854.
(Signed) GEO. FISHER.

Decree.

YSIDRO MARIA ALVARADO }
vs. }
THE UNITED STATES. }

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the claim of the said petitioner is not valid, and it is therefore decreed that his application for a confirmation thereof be denied.

ALPHEUS FELCH,
R. AUG. THOMPSON,
S. B. FARWELL,
Commissioners.

Filed in office Nov. 14th, 1854.
(Signed) GEO. FISHER, *Sec'y.*

20 *Order.*

And it appearing to the satisfaction of this board that the land hereby adjudicated is situated in the southern district of Cal'a, it is hereby ordered that two transcripts of the proceedings, and of the decision in this case, and of the papers and evidence upon which the same are founded, be made out and duly certified by the sec'y, one of which transcripts shall be filed with the clerk of the U. S. dist. court for the southern district of Cal., and the other be transmitted to the Attorney General of the U. S.

21 OFFICE OF THE BOARD OF COMMISSIONERS TO ASCERTAIN AND SETTLE THE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

I, George Fisher, secretary to the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing seventeen pages, numbered from 1 to 17, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings and of the decision of the said board, of the documentary evidence and of the testimony of the witnesses, upon which the same is founded, on file in this office, in case No. 625 on the docket of the said board, wherein Ysidro Maria Alvarado is the claimant against the United States for the place known by the name of "Monserrate."

In testimony whereof, I hereunto set my hand and affix my private seal, (not having a seal of office,) at San Francisco, California, [SEAL.] this twenty-fifth day of May, A. D. 1855, and of the independence of the United States of America the seventy-ninth.

GEO. FISHER, *Sec'y.*

Filed June 6th, 1855.

C. E. CARR, *Cl'k.*

22 *Appeal.*

Case No. 625. On appeal from the board of U. S. land commissioners.

YSIDRO MARIA ALVARADO, app'lt,
vs.
THE UNITED STATES, app'lee. } Claim for "Monserrate."

SIR: Please take notice that the claimant in the above case will prosecute the appeal therein.

San Francisco, May 9th, 1855.

Yours, respectfully,
CLARKE, TAYLOR & BEEKH,
Att'ys for claimant.

To the clerk of the U. S. district court for the southern district of California.

Filed May 22d, 1855.

C. E. CARR, *Cl'k.*

23

24 *Appeal.*

District court of the United States, southern district of California.

YSIDRO MARIA ALVARADO
vs.
THE UNITED STATES. } No. 224.—Com's docket No. 625.

Notice is hereby given that the above-named claimant intends to prosecute the appeal taken in the above-entitled cause from the de-

cision of the board of U. S. land commissioners to the said district court.

Sept. 17th, 1855.

J. CLARKE,
Att'y for Claimant.

Filed Sept. 18th, 1855.

C. E. CARR, *Cl'k*,
By JOHN W. ROSS, *Dep'ty.*

25

26 *Petition for review.*

In the United States district court for the southern district of California.

YSIDRO M. ALVARADO *vs.* THE UNITED STATES. } No. 224.—In district court.—Claim for "Monserrate."

The petition of Ysidro M. Alvarado to your honorable court sheweth:

That this cause is an appeal from the decision from the U. S. board of land commissioners to ascertain and settle private land claims in the State of California; that the claim filed by your petitioner before said board was for three leagues of land located in the southern district of California, for a description of which land and your petitioner's title thereto, reference is hereby specially made to the petition, and the title-papers filed before said board reference is here made; that after considering the claim of your petitioner, and the proofs filed in support thereof, said board, on the 14th day of November, A. D. 1854, decided said claim to be invalid; that a transcript of the record of the proceedings before said board was filed in this court on the 6th day of June, A. D. 1855, and a notice of appeal was filed by claimant on the 18th day of September, A. D. 1855.

Your petitioner prays that said decision of said board may be reversed, and that this court will confirm his title to said land.

SLOAN & HARTMAN,
Att'ys for Claimant.

Filed this 12th February, 1857.

C. SIMS, *Cl'k*,
p. J. H. COLEMAN, *Dep'ty.*

27

28 *Summons.*

UNITED STATES OF AMERICA,
Southern District of California, ss:

The President of the United States to P. Ord, U. S. att'y, greeting:

Take notice that a petition, a copy of which is herewith served upon you, has been filed against the United States in the district court of the United States in and for the southern district of Cali-

fornia, on the 12th day of February, in the year of our Lord one thousand eight hundred and fifty-seven, at the city and county of Los Angeles, in said district, by Ysidro M. Alvarado, praying said court to review the decision of the U. S. board of land commissioners of the 14th November, 1854, rejecting his claim to three leagues of land in the southern district of California; and that you and each of you are required to appear at said court, in said city, within ten days after the service hereof if served on you within the county of Los Angeles, and within twenty days if served on you in the county of San Diego or San Bernardino, and within forty days if served on you in any other county of said State, exclusive of the day of service, and answer said petition, or that judgment by default will be taken against you and each of you, and the prayer of the said petitioner will be granted, with costs.

In witness whereof, I have hereunto set my hand and affixed the seal of the said court, this 12th day of February, in the year [SEAL.] of our Lord one thousand eight hundred and fifty-seven, at Los Angeles aforesaid.

29

C. SIMS, *Clerk*,
p. J. H. COLEMAN, *Dep'ty.*

I served this summons, along with the proper copy of the petition, upon P. Ord, U. S. att'y, by delivering to him a true copy of the same, at Los Angeles, in the southern district of California, on the 12th day of February, A. D. 1857.

EDWARD HUNTER, *U. S. Marshal*,
p. M. L. GOODMAN, *Dept.*

Sworn to and subscribed before me this 12th February, 1857.

C. SIMS, *Cl'k*,
p. J. H. COLEMAN, *Dep'ty.*

Filed, on return, this 12th of Feb'y, 1857.

C. SIMS, *Cl'k*,
p. J. H. COLEMAN, *Dep'ty.*

30

Answer.

In the dis't court of the United States for the southern district of Cal'a.

YSIDRO M. ALVARADO, appellant,
vs.
THE UNITED STATES, appellee.
} No. 224.—Tran. No. 625.

The answer of P. Ord, attorney of the United States for the southern district of California, for and in behalf of the United States, to the petition of Ysidro M. Alvarado, for review, denies generally the allegations in said petition, and the validity of the alleged title of the claimant, and prays that the court will affirm the decision of the

board of land commissioners, and decree the said alleged title to be invalid, and general relief.

P. ORD,
Att'y of the U. S., S. D. C.

Filed 12th February, 1857.

C. SIMS, *Cl'k,*
p. J. H. COLEMAN, *Dep'ty.*

31

32 *Decree.*

In the district court of the United States for the southern district of California.

YSIDRO MARIA ALVARADO, appellant, *ads.*
THE UNITED STATES, appellee.
} Case No. 224. — Transcript No. 625. — "Montserrate."

This cause coming on to be heard on appeal from the decision of the United States board of land commissioners to ascertain and settle the private land claims in the State of California, under an act of Congress approved March 3d, 1851, on a transcript of the decision and proceedings of said board, and the papers and evidence upon which said decision was founded, and it appearing to the court that said transcript, and the notice of appeal have been duly filed, according to law, and counsel for the respective parties having been heard—

It is adjudged and decreed that the decision of said board of commissioners be, and the same is hereby, reversed, and that the claim of the appellant is good and valid, and the same is hereby confirmed to him as follows: three leagues of land only, (3 sitios ganado mayor,) in the county of San Diego, State of California, described as follows: bounding on the north as far as to the place called "El Portrero;" on the east to the road to "Pala;" on the south to the Sierra de Panurge; and on the west to the rancho of San Juan, as shown in the sketch attached to the espediente.

33 ISAAC S. K OGIER,
U. S. Dis't Judge.

Filed this 17th February, 1857.

C. SIMS, *Cl'k,*
p. J. H. COLEMAN, *Dep'ty.*

34 *Appeal.*

U. S. dis't court, south'n dis't Cal'a.—December term, A. D. 1856.

YSIDRO M. ALVARARO
vs.
THE UNITED STATES.
} No. 224.

FEBRUARY 24TH, 1858.

On motion of P. Ord, U. S. attorney, it is ordered that an appeal be allowed the United States in this case.

35 *New appeal.*

United States district court, southern district Cal'a.—December term, A. D. 1861.

YSIDRO MA. ALVARADO, app'llee, *vs.* THE UNITED STATES, app'l't. } No. 224; D. C —No. 625, L. C.—Montserrate.

DECEMBER 9TH, A. D. 1861.

And now comes J. R Gitchel, esq., appointed at the request of the court to represent the U. S. herein, (there being no U. S. dist. att'y present,) and moves the court that a new appeal be allowed the U. S. from the decision and decree of this court heretofore rendered.

Which motion being heard, and by the court understood, is granted.

36 United States district court, southern district of California.

CLERK'S OFFICE, *Monterey, Cal'a.*

I, John O. Wheeler, clerk of the United States district court for the southern district of California, do hereby certify the foregoing thirty-five pages, numbered from 1 to 35, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings and of the decision of the said court, of the documentary evidence, and of the testimony of the witnesses, upon which the same is founded on file in this office, in case No. 224 on the docket of the said board, wherein Ysidro Maria Alvarado is the claimant against the United States for the place known by the name of Monserrate.

In witness whereof, I hereunto sign my hand and affix the [SEAL.] seal of said court, at Monterey, Cal'a, this 15th day of April, A. D. 1862.

JOHN O. WHEELER, *Cl'k.*

Filed Sept. 20, 1862.



